University of Toronto LAW JOURNAL

Volume xxiv 1974 University of Toronto Press

EDITOR Professor R.C.B. Risk

BOOK REVIEW EDITOR Professor C.H.H. McNairn

EDITORIAL BOARD

Professor A.S. Abel
Professor I.F.G. Baxter
Professor J.Ll.J. Edwards
Dean M.L. Friedland
Honourable Mr Justice B. Laskin
Professor D.J. Sherbaniuk
Professor E.J. Weinrib

ADVISORY COMMITTEE

Professor F.A. Allen *University of Michigan*
Dr Philip Anisman *Ottawa*
Professor Charles B. Bourne *University of British Columbia*
Professor A.W. Bradley *University of Edinburgh*
Professor L. Neville Brown *University of Birmingham*
Professor W.H. Charles *Dalhousie University*
Mr Bradley Crawford *Toronto*
Professor R.D. Gibson *University of Manitoba*
Professor Moffat Hancock *Stanford University*
Professor Stewart Macaulay *University of Wisconsin*
Professor J.F. Northey *University of Auckland*
Professor Geoffrey Sawer *Australian National University*
Dean D.A. Soberman *Queen's University*
M. le doyen Pierre Verge *Université Laval*
Professor Louis Waller *Monash University*
Mr Paul Weiler *Vancouver, British Columbia*
Professor David William *Emmanuel College, Cambridge*

University of Toronto LAW JOURNAL

CONTENTS volume XXIV 1974

ARTICLES

The Concept of Native Title — J.C. SMITH — 1

A New Approach to Marriage and Divorce in the Conflict of Laws — JOHN SWAN — 17

The Simple Payment of Money — IAN F.G. BAXTER — 63

Parenthood and the Mentally Retarded — BERNARD GREEN RENA PAUL — 117

The Defence Lawyer's Role in Juvenile Court: An Empirical Investigation into Judges' and Social Workers' Points of View — PATRICIA C. ERICKSON — 126

Political Trials and the Canadian Political Tradition — KENNETH MCNAUGHT — 149

Prospective and Retrospective Judicial Lawmaking — M.L. FRIEDLAND — 170

Presentment, Notice, Protest — ALBERT S. ABEL — 191

Canadian Administrative Law in Retrospect — JOHN WILLIS — 225

Where is a Tort Committed? — G.H.L. FRIDMAN — 247

The Masochism of the Legal Historian — GRAHAM PARKER — 279

Prisoners' Rights in England — GRAHAM ZELLICK — 331

The Ontario Criminal Injuries Compensation Scheme — D.R. MIERS — 347

Information for Consent in Human Experimentation — BERNARD M. DICKINS — 381

Two Recent Cases Concerning the Validity of Commodity Marketing Legislation — L.H. LEIGH JOHN D. WHYTE — 411

The Use of Learned Treatises in Canadian and United States Litigation — CALVIN S. GOLDMAN — 423

REVIEW ARTICLE

The Future of Legal Education — D.A. SOBERMAN — 96

REVIEWS OF BOOKS

Friedman: *A History of American Law*	JOSEPH H. SMITH	108
Taylor, Walton, Young: *The New Criminology: For a Social Theory of Deviance*	*CLIFFORD SHEARING	113
Weiler: *In the Last Resort*	ALBERT S. ABEL	318
Posner: *Economic Analysis of Law*	D.N. DEWEES	320
Probert: *Law, Language, and Communication*	W.H. CHARLES	323
Harvey: *The Law of Habeas Corpus in Canada*	ROBERT J. SHARPE	453
Macdonald, Morris, and Johnston: *Canadian Perspectives on International Law and Organization*	D.M. MCRAE	457
McWilliams: *Canadian Criminal Evidence*	ALAN W. MEWETT	463
Van Caenegem: *The Birth of the English Common Law*	H. PATRICK GLENN	464

AUTHORS

A.S. Abel 191, I.F.G. Baxter 63, B.M. Dickins 381, P.C. Erickson 126, G.H.L. Fridman 247, M.L. Friedland 170, C.S. Goldman 423, B. Green 117, L.H. Leigh 411, K. McNaught 149, D.R. Miers 347, G. Parker 279, R. Paul 117, J.C. Smith 1, J. Swan 17, J.D. Whyte 411, J. Willis 225, G. Zellick 331

REVIEWERS

A.S. Abel 318, W.H. Charles 323, D.N. Dewees 320, H.P. Glenn 464, A.W. Mewett 463, D.M. McRae 457, R.J. Sharpe 453, C. Shearing 113,* D.A. Soberman 96, J.H. Smith 108

*The review of Taylor, Walton, and Young, *The New Criminology*, on 113, is incorrectly attributed. The reviewer was Clifford Shearing, Centre of Criminology, University of Toronto.